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6147/52/48

Starnberg, 24th June 2005

PCT/EP2005/001225
DCI Database for Commerce and Industry AG

Accompanying submission to the application for an international provisional examination.

I.

The view expressed in the written notice from the international search authority in accordance with which the claimed subject matters in independent claims 1, 11 and 12 in the present patent application are said to be anticipated/evident through the prior art is objectively incorrect and taking the two citations into closer consideration, cannot stand up to examination.

In particular, the essential inventive features of valid claim 1 are not anticipated by document D1 and are neither "clearly equivalent", whatever that is supposed to mean, nor made evident in any other way from the citations. Rather, the subject matter of the present patent is new and inventive in the light of the cited prior art.

II.

The claimed internet-supported information system claimed in claim 1 of the present patent is characterised in particular in that in addition to a central data server at which data e-mails sent by information providers are stored in a provision storage unit, it has a number of portal servers which each have access via a web interface to specific data e-mails stored in the provision storage unit of the central data server. By way of a selection unit of the central data server these data e-mails are also automatically determined in dependence on the identity of the relevant portal server and are shown by the portal server on its homepage via a link.

The advantages associated with this can be summarised as follows: a provider does not have to send his offers/data e-mails either to individual customers personally or separately to various individual newsgroups or (portal) servers. Rather, he can simply send his offers to a central data server e-mail address allocated to him, and these are then (e.g. topic specifically) assigned to a number of portal servers. He thereby achieves a high degree of coverage at minimum expense. The operators of portal servers do not have to advertise individually for data providers on their platforms, but can acquire information/provider e-mails matching their provided content via the central data server. These are automatically determined from the large number stored there by the selection device depending on the identity of the portal server. The end users, who do not have to register in any way, are not dependent on the often limited provision of a single internet platform provider, but have a thematic selection of data from the large number of data providers via the portal servers participating in the system in accordance with the invention. Additionally, in connection with this the attached documents (4 pages) by the applicant are referred to which give a good overview of the advantages associated with the system.

In contrast to this, the “computer-implemented method and system of acquiring information” described in document D1 differs fundamentally from the subject matter of the present invention. Although D1, like the present invention, deals with the selection of data to be provided, it has a fundamentally different mechanism for providing, selecting and processing the data.

Initially it can be stated that document D1 describes a client-server architecture-based system in which the content is selected by search requests by the user. In order to facilitate the search for required messages/information, D1 proposes supplementing the provided messages/information with details relating to the subject of the message or special key words in a “mark-up language” making the identification and categorisation of the messages easier. In the system in accordance with the present invention this is neither provided nor necessary.

In particular, however, D1 also discloses no single technical feature that is even approximately comparable with the large number of portal servers of the present claimed subject matter. More particularly, the server described in D1 cannot be considered as a server in the sense of the present invention, which in dependence on its identity only has access to specific data emails. Rather, all data/messages/e-mails are accessible to the server in D1 (or stored thereon (cf. page 4, lines 52/53)) and can, through it, be categorised/searched (cf. page 5, lines 4-14) using the additional information ("profile/topic(key) information").

D1 does not disclose a number of portal servers which can be connected via a web interface to a web interface unit of a central data server. Also, no automatic determination of data e-mails in dependence on identity of a portal server is shown or made evident.

Contrary to the statements in the written notice, D2 too cannot show the inventive features of the present invention.

The "interactive TV system with newsgroups" described in D2, does not, apart from the simple provision of newsgroup services on a TV system, go beyond the prior art already cited in the present patent application. In particular the points found in the international search report cannot show or make evident the features of the present patent application set out above in connection with document D1. By simply stating that in D2, like in the present patent application, conventional technical internet means are used "in an equivalent manner", the written notice does not do justice to a correct evaluation of the present invention taking into consideration the previously known prior art. Because vis-à-vis D2 too, the present system is distinguished by a neither shown nor evidenced combination of features, justifying the granting of a patent to the applied for extent.

Simply for the sake of completeness it should be noted that EP 0886228 A2 marked as an X document in the international search report does not anticipate or make evident the subject matter of the present patent application either.

The above statements apply both the valid claim 1 and equally to the subject matters of independent claims 11 and 12. All of the three independent claims are thus new and are based on an inventive step. Otherwise, the internet-supported information system in accordance with the invention is arousing extremely great interest among the applicant's clients due to the far-reaching advantages that make it an extremely attractive communication system. This too is an indication of its innovative nature.

On the basis of all this a positive assessment of the patentability of the valid set of claims is requested. If further doubts should remain, a personal consultation is considered as pertinent and will be requested.

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Starnberg, 27th April 2006

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DCI Database for Commerce and Industry AG

With regard to the written notice of 30th March 2006

The written notice by the International Search Authority of 20th April 2005 was, as part of the assessment of the (then) valid claims, based on the two documents EP 0718783 A (D1) and WO 01/01690 A (D2) in accordance with the requirements of article 33 PCT. In accordance with this in the submission accompanying the application for international provisional examination of 24th June 2005 there was a (comprehensive) examination of these two documents.

During the telephone interview of 20th March the authorised official, as expressly confirmed by the telephone call of the following day and as also set out in the reference notice, based his assessment of the present patent application, in view of the requirements of article 33 PCT (initially) on a completely different prior art, namely EP 0886228 A (D3) and US 2003/0158777 A (D4); furthermore the assessment was based, and is still based, on the "espacenet" system.

There is already great cause for doubt that now, nine months after the start of the international provisional examination and shortly before the indicated end of the period available for carrying out the international provisional examination, completely new considerations relating to the patentability in accordance with article 33 PCT are being put forward, especially as on the part of the applicant, through the thorough examination of the written notice of the international search authority all the

preconditions for carrying out a constructive international provision examination concluding with a meaningful report have been created.

Particularly doubtful is the fact that the (negative) assessment of the inventive step of the valid claims is evidently centrally based on the "espacenet" system. It is not permissible to "excuse" the lack of evidence of verifiable system facts relating to the system's technical features as well as its forming part of the prior art with the statement that a "generally known" prior art is involved here. Such a statement could, even it were correct, never replace evidence of the relevant technical feature or represent exemption from the obligation to present appropriate facts. Furthermore, in the PCT the category "generally known prior art" is unknown. If necessary, a distinction is only made between the "normal" prior art on the one hand and "general specialist knowledge" on the other hand. Determining whether a particular (proven!) prior art is "normal" (e.g. patent literature) or "general specialist knowledge" (e.g. a generally approved textbook) only plays a role in connection with the question of whether a person skilled in the art looking for a solution to a particular technical problem would have reason to take a particular document into consideration or not, just because general specialist knowledge is involved, i.e. a prior art that is always present and does not have to be tracked down in relation to the problem. In view of this, the way in which this application is being handled cannot be accepted. It stops the international provisional examination being able to be completed within the available period with a meaningful report.

As no information as made available with regard to a prior art taken into consideration by the authorised official for his assessment, in the short time remaining within which the international provision examination has to be completed, it is clear that it is not possible to properly deal with the circumstances to be investigated in accordance with the PCT as part of the international provisional examination. Accordingly a further objective statement on the written notice of 30th March 2006 is not advisable.

In thus far at this point the fact is not gone into in more depth that the considerations of the authorised official are restricted to a (classic) ex-post-facto analysis. When using established problem-related approaches to check a new technical doctrine for its inventive content, it is clearly shown that the claimed overall system has not made it obvious that it specifically selects (possibly highly topical) information of number of data providers of a number of potential data recipients, even though these can remain anonymous, thereby making a high degree of coverage possible.

In any case a report about the international provisional examination denying the inventive step of claims 1 to 14 would not for the reasons set out above be compatible with the PCT and should not be responded to.

F. Mohring
Patent Attorney